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THE NATIONAL COLLEGIATE
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii
corporation,

Plaintiff,

vs.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, an
unincorporated association,

Defendant.

Civil No. 04-00204 DAE/ KSC

ORDER DENYING PLAINTIFF'S
MOTION FOR SEPARATE TRIAL
UNDER FRCP 42(B) OR, IN THE
ALTERNATIVE, TO EXTEND
SCHEDULING, FILED ON MARCH 31,
2006

HEARING

Date: May 18, 2006

Time: 9:30 a.m.

Judge: Hon. Kevin S.C. Chang

TRIAL: October 3, 2006

ORDER DENYING PLAINTIFF'S MOTION FOR SEPARATE TRIAL
UNDER FRCP 42(B) OR, IN THE ALTERNATIVE, TO
EXTEND SCHEDULING, FILED ON MARCH 31, 2006

Plaintiff Aloha Sports Inc. ("ASI") filed a Motion for Separate Trial Under FRCP 42(b) or, in the Alternative, To Extend Scheduling, on March 31, 2006 (the "Motion"). The Motion came on for hearing before the Honorable Kevin S.C. Chang on May 18, 2006. Maxwell Blecher (by phone) and Frederick Rohlfing appeared on behalf of ASI. Gregory Curtner (by phone), Atleen Kaur (by phone) and Kenneth Mansfield appeared on behalf of Defendant, The National Collegiate Athletic Association. The Court, having reviewed the subject Motion and the record and file herein, and having heard the argument of counsel, and good cause appearing therefore, DENIES ASI's Motion as follows:

The Court denies ASI's request for bifurcation, finding that bifurcation would lead to jury confusion and duplication of issues. The Court further finds that it would be most efficient to try all of ASI's claims together.

The Court further denies ASI's alternative request to extend scheduling, on the grounds that the discovery cutoff is not until August 4, 2006, leaving the parties sufficient time to complete all necessary discovery. If unforeseen circumstances prevent the parties from completing discovery, either party may seek appropriate relief to modify the Rule 16 Order pursuant to the standard set forth in Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992).

For these reasons and the reasons more fully set forth on the record of the hearing, the Motion is DENIED.

DATED: Honolulu, Hawaii, June 6, 2006.




Kevin S.C. Chang
United States Magistrate Judge

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Aloha Sports, Inc. v. The National Collegiate Athletic Association; Civil No. 04-00204 DAE/KSC; In the United States District Court for the District of Hawaii; ORDER DENYING PLAINTIFF'S MOTION FOR SEPARATE TRIAL UNDER FRCP 42(B) OR, IN THE ALTERNATIVE, TO EXTEND SCHEDULING, FILED ON MARCH 31, 2006